HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.12322 of 2006

Dated: 02.03.2007

Between:

P.Venkatanna

…Petitioner

And:

The Prohibition and Excise Superintendent,
Mahaboobnagar, Mahaboobnagar District
and another.

…Respondents

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HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.12322 of 2006

ORDER:

Heard learned counsel appearing for both the parties.

In this writ petition, the petitioner questions the cancellation of his licence by the impugned order, dated 29.12.2005, passed by the Prohibition and Excise Superintendent, Gadwal. Admittedly, against the impugned order, the petitioner can file a statutory appeal under Section 63 of the A.P. Excise Act, 1968, before the Deputy Commissioner of Prohibition and Excise.

As a regular appeal is provided under the A.P. Excise Act, it cannot be just and proper for this Court to conduct enquiry with regard to the factual aspects as to whether the shop was inspected or not and whether a false case is foisted against the petitioner, as it is for the appellate authority to consider the said

contentions and dispose of the appeal in accordance with law.

The writ petition is, accordingly, dismissed with a liberty to the petitioner to avail the alternative remedy of appeal within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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V.ESWARAIAH, J

02.03.2007
DR